

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LINDA MELLEN,

Plaintiff,

vs.

TRUSTEES OF BOSTON UNIVERSITY
AND FRANCES A. DROLETTE,

Defendants.

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) CIVIL ACTION NO. 04-10644-MEL
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ORDER ON PLAINTIFF'S FURTHER MOTION
TO COMPEL PRODUCTION OF DOCUMENTS

Plaintiff has filed a "Further Motion to Compel Production of Documents, for Leave to Conduct Discovery, and for the Award of Costs." She argues that the University's provision of redacted personnel files of former employees prevents her from identifying the individuals with whom those files are affiliated, and thereby interferes with her ability to conduct discovery. Defendants have opposed Plaintiff's motion, and argue that Plaintiff's motion is untimely, and that the redacted files provide Plaintiff with information sufficient to advance her claims.

The Court, having considered Plaintiff's Motion and Defendants' Opposition, having heard both parties' arguments, and having been advised that Plaintiff has identified the files of three individuals with whom she would like to communicate, issues the following ORDER:

Within seven days of the date of this Order, the University will make a good faith effort to notify three individuals previously identified by plaintiff and referred to in the preceding paragraph. The University will inform these individuals that a former employee, Linda Mellen, has filed a lawsuit against the University under the Family and Medical Leave Act, and that she

and her attorney would like to talk with them. The University will further inform these individuals that unless they object, the University will be required to provide this information to Ms. Mellen, which will allow Ms. Mellen and her attorney to contact them. The University will identify Ms. Mellen's attorney to the individuals and will advise the individuals that they may object by sending a letter to the Court with a copy to counsel for the University. Unless any such individual notifies this Court of his or her opposition to the release of said files within seven days following contact by the University, the University will provide Plaintiff with the names and contact information of these individuals.

If any individual identified by Plaintiff files a timely objection to the disclosure of his or her identity with this Court, or should the University be unable to contact any of the individuals identified by Plaintiff, the University shall promptly advise the Plaintiff and Plaintiff may then identify another employee with whom her lawyer may communicate, subject to the provisions of the preceding paragraph.

The University shall maintain a log of its efforts to contact the individuals identified by Plaintiff, which log may be produced by the University to the Plaintiff upon further Order of the Court.

If Plaintiff elects to depose any of these individuals, discovery must be completed on or before September 29, 2006.

SO ORDERED.

Morris E. Lasker
Senior Judge, United States District Court

Date: _____